

Charlton Neighbourhood Development Plan

Regulation 16 Consultation

Submission Version



March 2020

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1 INTRODUCTION

1.1 Context

1.1.1 Gladman specialises in the promotion of strategic land for residential development and associated community infrastructure. From this experience, we understand the need for the planning system to deliver the homes, jobs and thriving local places that the country needs.

1.1.2 These representations provide Gladman's response to the current consultation on the submission version of the Charlton Neighbourhood Plan (CNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.

1.1.3 Through these representations, Gladman provides an analysis of the CNP and the policy decisions promoted within the submission draft of the Plan. Comments made by Gladman through these representations are provided in consideration of the CNP's suite of policies and its ability to fulfil the Neighbourhood Plan Basic Conditions as established by paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended) and supported by the Neighbourhood Plan chapter of the PPG¹.

1.1.4 We currently have significant concerns about the plan's ability to meet the basic conditions as drafted, which will be detailed below through the following matters:

- Legal compliance;
- National Planning Policy and Guidance;
- Neighbourhood plan policies; and
- Strategic Environmental Assessment.

¹ Section ID: 41

2 LEGAL REQUIREMENTS, NATIONAL POLICY & GUIDANCE

2.1 Legal Requirements

2.1.1 Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions, set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The Basic Conditions that the CNP must meet are as follows:

- a) Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- b) Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order;
- c) Having regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order;
- d) The making of the neighbourhood plan contributes to the achievement of sustainable development;
- e) The making of the neighbourhood plan is in general conformity with the strategic policies contained within the development plan for the area of the authority; and
- f) The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
- g) The making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

2.2 National Planning Policy Framework, & Planning Practice Guidance

National Planning Policy Framework

- 2.2.1 On 24th July 2018, the Ministry of Housing, Communities and Local Government (MHCLG) published the Revised National Planning Policy Framework (NPPF2018). This publication forms the first revision of the Framework since 2012 and implements changes that have been informed through the Housing White Paper, The Planning for the Right Homes in the Right Places consultation and the draft NPPF (2018) consultation. This version was itself superseded on the 19th February 2019, when MHCLG published a further revision to the NPPF (2019) which implements further changes to national policy, relating to the Government's approach for Appropriate Assessment as set out in Paragraph 177, clarification to footnote 37 and amendments to the definition of 'deliverable' in Annex 2.
- 2.2.2 The NPPF (2019) sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements of the preparation of neighbourhood plans within which locally prepared plans for housing and other development can be produced.

2.2.3 Crucially, the changes to national policy reaffirms the Government's commitment to ensuring up to date plans are in place which provide a positive vision for the areas which they are responsible for to address the housing, economic, social and environmental priorities to help shape future local communities for future generations. In particular, paragraph 13 states that:

"The application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies."

2.2.4 Paragraph 14 further states that:

"In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

a. The neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;

b. The neighbourhood plan contains policies and allocations to meet its identified housing requirement;

c. The local planning authority has at least a three-year supply of deliverable housing sites (against its five-year supply requirement, including the appropriate buffer as set out in paragraph 73); and

d. The local planning authority's housing delivery was at least 45% of that required over the previous three years."

2.2.5 The NPPF (2019) also sets out how neighbourhood planning provides local communities with the power to develop a shared vision for their area in order to shape, direct and help deliver sustainable development needed to meet identified housing needs. Neighbourhood plans should not promote less development than set out in Local Plans and should not seek to undermine those strategic policies. Where the strategic policy making authority identifies a housing requirement for a neighbourhood area, the neighbourhood plan should seek to meet this figure in full as a minimum. Where it is not possible for a housing requirement figure to be provided i.e. where a neighbourhood plan has progressed following the adoption of a Local Plan, then the neighbourhood planning body should request an indicative figure to plan taking into account the latest evidence of housing need, population of the neighbourhood area and the most recently available planning strategy of the local planning authority.

2.2.6 In order to proceed to referendum, the neighbourhood plan will need to be tested through independent examination in order to demonstrate that it is compliant with the basic conditions and

other legal requirements before it can come into force. If the Examiner identifies that the neighbourhood plan does not meet the basic conditions as submitted, the plan may not be able to proceed to referendum.

2.3 Planning Practice Guidance

2.3.1 Following the publication of the NPPF (2018), the Government published updates to its Planning Practice Guidance (PPG) on 13th September 2018 with further updates being made in the intervening period. The updated PPG provides further clarity on how specific elements of the Framework should be interpreted when preparing neighbourhood plans.

2.3.2 A draft neighbourhood plan must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. Although a draft neighbourhood plan is not tested against the policies in an emerging local plan the reasoning and evidence informing the emerging Local Plan is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested against.

2.3.3 Where a neighbourhood plan is being brought forward before an up-to-date Local Plan is in place, the qualifying body and local planning authority should discuss and aim to agree the relationship between the policies in the emerging Neighbourhood Plan, the emerging Local Plan and the adopted Development Plan². This should be undertaken through a positive and proactive approach working collaboratively and based on shared evidence in order to minimise any potential conflicts which can arise and ensure that policies contained in the neighbourhood plan are not ultimately overridden by a new Local Plan.

2.3.4 It is important that the neighbourhood plan sets out a positive approach to development in the area by working in partnership with local planning authorities, landowners and developers to identify their housing need figure and identifying sufficient land to meet this requirement. Furthermore, it is important that policies contained in the neighbourhood plan do not seek to prevent or stifle the ability of sustainable growth opportunities from coming forward. Indeed, the PPG emphasises that;

“A wide range of settlements can play a role in delivering sustainable development in rural areas, so blanket policies restricting housing development in some types of settlements will need to be supported by robust evidence of their appropriateness.”

2.3.5 Accordingly, the CNP will need to ensure that it takes into account the latest guidance issued by the SoS so that it can be found to meet basic conditions (a) and (d).

² PPG Reference ID: 41-009-20160211

3 DEVELOPMENT PLAN

3.1 Adopted Development Plan

- 3.1.1 To meet the requirements of the Framework and the Neighbourhood Plan Basic Conditions, neighbourhood plans should be prepared to conform to the strategic policy requirements set out in the adopted Development Plan.
- 3.1.2 The adopted Development Plan relevant to the preparation of the Charlton Neighbourhood Plan, and the Development Plan which the CNP will be tested against, consists of the Test Valley Borough Revised Local Plan DPD 2011-2029, adopted in January 2016. This document contains the policies and spatial strategy to guide development throughout the plan period.
- 3.1.3 The plan sets a minimum housing target of 10,584 new homes split across northern and southern Test Valley. The north of Test Valley is targeted 7,092 new homes with the main focus of this being at the major centre of Andover. The proximity and therefore relationship of Charlton with Andover sees this designated as a Key Service Centre and contained within a conjoined settlement boundary with Andover.

3.2 Emerging Development Plan

- 3.2.1 The Council are in the early stages of reviewing the Local Plan having consulted on the Issues and Options of a review in 2018. A draft version of the plan is anticipated in early 2021 with adoption currently targeted for 2023.
- 3.2.2 As such, the response to a number of key issues is yet to be determined however it is likely that the housing requirement of the Local Plan will increase from the current target based on the standard methodology and incorporation of unmet housing needs following the completion of the Statement of Common Ground across the Partnership for Urban South Hampshire region.
- 3.2.3 As the CNP is proposing to follow the same timescales as the adopted Local Plan it is anticipated that the neighbourhood plan will need reviewing following the adoption of the Local Plan review. As suggested that the housing requirement is expected to increase, drafting sufficient flexibility into the policies now and planning for sufficient housing could reduce the need for such a review. Otherwise, conflicting policies will be superseded under Section 38(5) of the Planning and Compulsory Purchase Act 2004.

4 CHARLTON NEIGHBOURHOOD PLAN POLICIES

4.1 Context

4.1.1 These representations are made in response to the current consultation on the submission version of the CNP, under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. This chapter of the representation highlights the key points that Gladman raises with regard to the content of the CNP as currently proposed. As stated earlier, we currently have significant concerns about the CNP's ability to meet the basic conditions.

4.2 Neighbourhood Plan Policies

4.2.1 This section of the representations provides Gladman's comments on the draft CNP policies. As currently proposed, Gladman believes that a number of the CNP's policies require modification/amendment, before they can be considered consistent with the Neighbourhood Plan Basic Conditions.

Policy CNP1 The Settlement Boundary/ Built up Area

4.2.2 This policy states that development within the development boundary identified in Figure 7 will be supported. Other than the inclusion and washing over of the Goch Way site and the proposed allocation, the reasoning for the inclusion of the dotted red line is unclear. Whether the separation of Charlton and Andover is identified or not there is a continuous area of land contained within the settlement boundary between the two settlements where application of the Local Plan Policy COM2 would already apply. The identification of this red line could therefore reduce clarity and cause confusion in the application of this policy.

4.2.3 The policy then goes on to more or less repeat adopted Local Plan policy, offering little in terms of further detail conflicting with Paragraph 16(f) of the Framework. Therefore, to meet the basic conditions Gladman submit that changes will be required to be made to the policy.

4.2.4 As will be explored in response to Policy CNP2, AECOM consider the housing needs of the neighbourhood area to be in excess of what is currently being planned for and yet there is no mechanism to allow these needs to be met outside the settlement boundary on a suitable site. Gladman submit that for the plan as a whole to meet the basic conditions this flexibility should be incorporated in to the policies of the CNP.

4.2.5 Gladman have seen changes made to other neighbourhood plans prepared in a similar context to that of the CNP. One such example is the examination of the Godmanchester Neighbourhood Plan. Paragraph 4.12 of the Examiner's Report states:

"...Policy GMC1 should be modified to state that "Development ...shall be focused within or adjoining the settlement boundary as identified in the plan." It should be made clear that

any new development should be either infill or of a minor or moderate scale, so that the local distinctiveness of the settlement is not compromised. PM2 should be made to achieve this flexibility and ensure regard is had to the NPPF and the promotion of sustainable development. PM2 is also needed to ensure that the GNP will be in general conformity with the aims for new housing development in the Core Strategy and align with similar aims in the emerging Local Plan.”

- 4.2.6 A further example is the Deddington Neighbourhood Plan. In this example, the Examiner recommended changes to the approach to support development proposals within and adjacent to the settlement limits as the policy was not sufficiently evidence based and would have the clear possibility of restricting the supply of new housing in the plan period, contrary to Paragraph 47 of the NPPF(2012). Gladman suggest that similar changes could and should be made to the CNP, this will be important to ensure that the plan meets basic condition (a).

Policy CNP2 Land to the North of Goch Way

- 4.2.7 This policy proposes to allocate a site for 50 dwellings. Paragraph 8.3.6 suggests that this is a result of a site assessment undertaken using detailed criteria however Gladman have not been able to locate this document. A key piece of evidence informing the site selection has not been available during the consultation and as such it has not been possible to ascertain whether the assumptions made in selecting that site are correct. This issue is compounded by the fact that undertaking a full SEA has been screened out, an issue that will be returned to in Section 5.
- 4.2.8 Regardless of the process undertaken and the lack of evidence available to support the determination this is the most suitable site to allocate, this would not meet the suggested housing needs of the area. There is much discussion throughout the submitted CNP regarding the identity of Charlton and its role in relation to Andover however for the purposes of the Local Plan it is determined to be a part of Andover, as it is contiguous with its settlement boundary. This is a large factor in the results of the work undertaken by AECOM in determining that the residual minimum housing needs of the neighbourhood area is 200 dwellings, when removing the commitment at the Goch Way site.
- 4.2.9 Section 8.2 of the CNP discusses the housing requirement and refers to a 34% increase in housing being disproportionate when compared to the majority of village of this size. It must be considered in the context of its relationship to Andover. The Local Plan directs a significant proportion of growth to Andover, a built area to which Charlton is considered to be a part. If not seeking to support the level of growth suggested by the evidence serious questions have to be raised whether it can be considered that basic condition (d) can be met. Before the CNP can rule out assisting Andover the strategic policies of the Local Plan and restricting policies for further development, there needs to be element of certainty that the housing target of Andover will be met in the remainder of the plan period.

Policy CNP5 Landscape Character and Setting

- 4.2.10 This policy sets out that Charlton's landscape and countryside is to be protected against inappropriate development. This approach is contrary to the Framework which does not propose such protection of the countryside, which instead seeks for its character and beauty to be recognised, with policies contributing to and enhancing the natural and local environment.
- 4.2.11 Development can often be accommodated in the countryside, adjacent to settlements without adverse impacts on the landscape and its character with appropriate mitigation measures. Development proposals should be considered on a case by case basis where the merits of such are considered in the planning balance.

Policy CNP6 Setting of the Local Gap

- 4.2.12 Gladman raise concerns with this policy as it is our interpretation that this policy is seeking to extend the adopted Local Plan Local Gap, a Local Gap determined on the evidence at that time. Gladman submit that new development can often be located in the countryside without leading to the physical or visual merging of settlements, eroding the sense of separation between them or resulting in the loss of openness and character and as such this proposed extension of the Local Gap is therefore inappropriate.
- 4.2.13 Further, if this is not the intended interpretation of the policy and it is only intended to apply where Local Plan Policy E3 already applies, this would be repetition contrary to Paragraph 16(f) of the Framework.

Policy CNP7 Important Views

- 4.2.14 Gladman strongly object to this policy seeking for development not to introduce any prominent built form beyond the settlement boundary. It is not clear how this would be applied by a decision maker on a consistent effective basis and as such is contrary to the Framework.
- 4.2.15 Further concern is raised in relation to the policy seeking to preserve a myriad of 'important views' with little evidence other than a photograph of each view in support. Gladman submits that new development can often be located in such areas without eroding the views considered to be important to the local community and can be appropriately designed to take into consideration the wider landscape features of the surrounding area to provide new views and vistas.
- 4.2.16 In addition, as set out in case law, to be valued and worthy of such protection, a view would need to have some form of physical attribute. These policies must allow a decision maker to come to a view as to whether particular locations contain physical attributes that would 'take it out of the ordinary' rather than selecting views which may not have any landscape significance, based solely on community support.

- 4.2.17 Views can change annually, seasonally, monthly, daily and even hourly. The evidence supporting the identified views is vague and does not provide detailed, substantive evidence in respect of the precise nature of the views to be protected. It appears instead to be an attempt to restrict all development on the edge of Charlton and Andover contrary to the requirements of the Framework. As a consequence, it is not clear how the policy could be interpreted by a decision maker, having regard to Paragraph 16 of the Framework.

5 STRATEGIC ENVIRONMENTAL ASSESSMENT

5.1 Context

- 5.1.1 In accordance with PPG ID: 11-027, the preparation of Neighbourhood Plans may fall under the scope of the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations) that require a Strategic Environmental Assessment (SEA) to be undertaken where a Plan's proposals would be likely to have significant environmental effects.
- 5.1.2 The SEA is a systematic process that should be undertaken at each stage of a Plan's preparation. It should assess the effects of a Neighborhood Plan's proposals and whether they would be likely to have significant environmental effects and whether the Plan is capable of achieving the delivery of sustainable development when judged against all reasonable alternatives.
- 5.1.3 The decision making and scoring of the SEA should be robust, justified and transparent and should be undertaken through a comparative and equal assessment of each reasonable alternative. Too often SEA flags up the negative aspects of development whilst not fully considering the positive aspects which can be brought about through new opportunities for housing development and how these can influence landscape issues, social concerns and the economy.

5.2 Charlton Neighbourhood Strategic Environmental Assessment

- 5.2.1 Gladman raise significant concerns that the need for a SEA has been screened out as the CNP allocates a site for development. The PPG is clear that in situations like this a SEA is likely to be required. It is the responsibility of the Council to ensure that all regulations appropriate to the nature and scope of the neighbourhood plan have been met.³
- 5.2.2 Having considered the responses of statutory consultees to the SEA Screening Assessment it is clear that the Council should have deviated from advice received. Historic England's response was that it did not have capacity to provide a response, whilst the Environment Agency (EA) mistakenly concluded that the CNP did not include any site allocations. The wording of this response suggests if it realised the plan did allocate a site its advice would have been different. The lack of response when the Council informed the EA of this mistake should not be relied upon to support the reasons not to undertake a SEA.
- 5.2.3 Gladman consider that an SEA should have been undertaken and the fact that it has not to demonstrate that the proposals of the CNP would not lead to significant environmental effects when considered against the reasonable alternatives renders the CNP unlawful and therefore also unable to meet basic condition (e).

³ PPG Paragraph: 031 Reference ID: 11-031-20150209

6 CONCLUSIONS

6.1 Assessment against Basic Conditions

- 6.1.1 Gladman recognises the Government's ongoing commitment to neighbourhood planning and the role that such Plans have as a tool for local people to shape the development of their local community. However, it is clear from national guidance that the CNP must be consistent with national planning policy and the need to take account of up-to-date evidence. If the plan is found not to meet the Basic Conditions at Examination, then the plan will be unable to progress to referendum.
- 6.1.2 As detailed through these submissions, we have fundamental concerns with the lack of a SEA supporting the neighbourhood plan and the unavailability of the site assessment used to inform the site allocation of the CNP.
- 6.1.3 Further, despite the evidence base identifying a housing need for the plan period the CNP does not allocate sufficient land to accommodate this need nor include policies drafted with sufficient flexibility to allow development proposals to come forward to address this need.
- 6.1.4 As currently drafted, we submit that the CNP does not meet basic conditions (a), (d) and (e) and as such the neighbourhood plan should not be able to proceed to referendum. Due to the nature and scale of these concerns we respectfully request the Examiner to open the examination up and hold a public hearing session as part of the examination to discuss these issues. Should the Examiner agree and hold a hearing session we request to be invited to participate at that session.